

UNITED STATES DISTRICT COURT

DISTRICT OF MASSACHUSETTS

UNITED STATES OF AMERICA)	
)	CRIMINAL NO. 04-10165-RCL
v.)	
)	
TONY GOMES TEIXEIRA)	

GOVERNMENT'S MOTION TO CONTINUE
TRIAL DATE (ASSENTED TO)

The government respectfully moves to continue the scheduled trial date in this matter from its currently scheduled date of February 22, 2005, to be rescheduled if necessary after a suppression hearing is conducted. As grounds therefor the government states as follows:

1. The week of February 21, 2005 is the February school vacation week for Massachusetts public schools. The undersigned Assistant U.S. Attorney has two children in a Massachusetts high school. One of the two is a senior, and it now appears that the February school vacation week will be used by the undersigned Assistant U.S. Attorney to visit colleges at which his daughter will have pending applications at that time.

2. Additionally, defendant Tony Gomes Teixeira has now supplemented his previously denied motion to suppress with affidavits that establish a disputed material fact, warranting a hearing before this Court. Depending on the outcome of that motion, a trial may not be necessary.

3. Finally, although the defendant is detained at present,

both the Court (Bowler, M.J.) and the government have indicated a willingness to accept his release on conditions upon the posting of security which the defendant's family appears willing and able to do. Thus, the government does not expect the defendant's pretrial detention to be lengthened by the requested continuance.

Accordingly, the government asks this Court to continue the scheduled trial date, schedule a suppression hearing for a date prior to February 22, 2005, and reschedule the trial if necessary upon its ruling on the motion to suppress.

Respectfully submitted,

MICHAEL J. SULLIVAN
United States Attorney

By: /s/ Timothy Q. Feeley
TIMOTHY Q. FEELEY
Assistant U.S. Attorney
(617) 748-3172

January 4, 2005

ASSENTED TO:

/s/ Barry P. Wilson (TQF)
BARRY P. WILSON, ESQ.
Counsel for Defendant

CERTIFICATE OF SERVICE

This is to certify that I have this day served upon defendant's counsel, Barry P. Wilson, Esq., 240 Commercial Street, Suite 5A, Boston, MA 02109, a copy of the foregoing document by first class mail.

/s/ Timothy Q. Feeley
TIMOTHY Q. FEELEY
Assistant U.S. Attorney